

**SENATE BILL NO. 295**

February 10, 1999, Introduced by Senators YOUNG, DE BEAUSSAERT, PETERS, CHERRY, V. SMITH and BYRUM and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 32704a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 32704A. (1) UPON RECEIPT BY THE STATE OF A REQUEST FOR  
2 APPROVAL OF A PROPOSED INTERBASIN DIVERSION FROM THE GREAT LAKES  
3 BASIN PURSUANT TO SECTION 1109 OF TITLE XI OF THE WATER RESOURCES  
4 DEVELOPMENT ACT OF 1986, PUBLIC LAW 99-662, 42 U.S.C. 1962d-20,  
5 THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

6        (A) NOTIFY THE PERSON REQUESTING THE APPROVAL WHETHER SUFFI-  
7 CIENT INFORMATION HAS ACCOMPANIED THE REQUEST OR IS OTHERWISE  
8 AVAILABLE TO PERMIT AN EVALUATION OF THE REQUEST.

9        (B) NOTIFY OTHER STATE AGENCIES, INCLUDING THE STATE  
10 TRANSPORTATION DEPARTMENT, THE DEPARTMENTS OF COMMUNITY HEALTH,  
11 NATURAL RESOURCES, CONSUMER AND INDUSTRY SERVICES, AGRICULTURE,

1 AND STATE, AND THE MICHIGAN PUBLIC SERVICE COMMISSION OF THE  
2 REQUEST AND SOLICIT THEIR COMMENTS REGARDING THE REQUEST.  
3 NOTIFICATION SHALL ALSO BE GIVEN AND COMMENTS SOLICITED FROM THE  
4 INTERNATIONAL JOINT COMMISSION, THE GREAT LAKES COMMISSION, AND  
5 OTHER APPROPRIATE FEDERAL AGENCIES AS DETERMINED BY THE  
6 DEPARTMENT.

7 (C) PUBLISH NOTICE OF THE REQUEST WITH ALL OF THE FOLLOWING  
8 INFORMATION:

9 (i) THE NAME OF THE PERSON REQUESTING APPROVAL OF THE DIVER-  
10 SION AND HIS OR HER RELEVANT AFFILIATION AND STATE OR PROVINCE.

11 (ii) A DESCRIPTION OF THE PROPOSED DIVERSION, INCLUDING THE  
12 LOCATION AND SIZE OF THE DIVERSION, AND THE STATE OR PROVINCE TO  
13 WHICH THE WATER WILL BE DIVERTED.

14 (iii) THE OPPORTUNITY FOR PUBLIC COMMENT, THE LENGTH OF THE  
15 PUBLIC COMMENT PERIOD, WHICH SHALL NOT BE LESS THAN 30 DAYS, AND  
16 THE NAME AND ADDRESS OF THE PERSON TO WHOM COMMENTS SHOULD BE  
17 DIRECTED OR FROM WHOM MORE INFORMATION MAY BE OBTAINED.

18 (iv) THE DATE, TIME, AND PLACE OF A PUBLIC HEARING ON THE  
19 REQUEST.

20 (2) WITHIN 60 DAYS AFTER THE CLOSE OF THE PUBLIC COMMENT  
21 PERIOD OR THE PUBLIC HEARING PURSUANT TO SUBSECTION (1), WHICH-  
22 EVER IS LATER, THE DEPARTMENT SHALL TRANSMIT A REPORT TO THE GOV-  
23 ERNOR OR HIS OR HER DESIGNEE, AND THE LEGISLATURE, SUMMARIZING  
24 ALL COMMENTS RECEIVED, MAKING A RECOMMENDATION ON THE REQUEST FOR  
25 APPROVAL, AND EVALUATING ALL OF THE FOLLOWING:

26 (A) WHETHER THE PROPOSED WITHDRAWAL IS CONSISTENT WITH ANY  
27 APPLICABLE STATE PLANS, INCLUDING THE WATER RESOURCES MANAGEMENT

1 STRATEGIES FOR PRESENT OR FUTURE USES OF THE WATERS OF THE GREAT  
2 LAKES BASIN.

3 (B) WHETHER BOTH THE CURRENT WATER USE OF THE PERSON  
4 REQUESTING APPROVAL AND THE PERSON'S PROPOSED PLANS FOR WITHDRAW-  
5 AL, TRANSPORTATION, DEVELOPMENT, AND USE OF WATER RESOURCES  
6 INCORPORATE MAXIMUM ECONOMICALLY FEASIBLE CONSERVATION  
7 PRACTICES.

8 (C) WHETHER THE PROPOSED WITHDRAWAL AND USES WILL HAVE A  
9 SIGNIFICANT ADVERSE IMPACT ON NAVIGATION WITHIN THE GREAT LAKES  
10 BASIN.

11 (D) WHETHER THE PROPOSED WITHDRAWAL AND USES ARE CONSISTENT  
12 WITH THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE IN THE  
13 GREAT LAKES BASIN AND WILL NOT BE DETRIMENTAL TO THE PUBLIC  
14 INTEREST OR THE PUBLIC TRUST IN THE WATERS OF THE GREAT LAKES  
15 BASIN.

16 (E) WHETHER EACH BASIN, REGION, STATE, OR PROVINCE TO WHICH  
17 THE WATER WILL BE DIVERTED HAS DEVELOPED AND IS IMPLEMENTING A  
18 PLAN TO MANAGE AND CONSERVE ITS OWN WATER QUANTITY RESOURCES, AND  
19 WHETHER FURTHER DEVELOPMENT OF ITS OWN WATER RESOURCES IS ECONOM-  
20 ICALLY IMPRACTICABLE OR WOULD HAVE A SUBSTANTIAL ADVERSE ECONOM-  
21 IC, SOCIAL, OR ENVIRONMENTAL IMPACT.

22 (F) WHETHER THE APPLICATION WILL IMPAIR THE ABILITY OF THE  
23 GREAT LAKES BASIN TO MEET ITS OWN WATER NEEDS.

24 (G) WHETHER THE PROPOSED WITHDRAWAL AND USES ALONE, OR IN  
25 COMBINATION WITH OTHER WATER USES, WILL HAVE A SIGNIFICANT  
26 ADVERSE IMPACT ON LAKE LEVELS, WATER USE, OR THE ENVIRONMENT OR  
27 THE ECOSYSTEM OF THE GREAT LAKES BASIN, INCLUDING THE QUALITY AND

1 QUANTITY OF THE WATERS OF THE GREAT LAKES BASIN AND ITS RELATED  
2 LAND RESOURCES.

3 (H) WHETHER THE PROPOSED WITHDRAWAL IS CONSISTENT WITH ALL  
4 APPLICABLE FEDERAL, REGIONAL, AND INTERSTATE AND INTERNATIONAL  
5 WATER RESOURCES PLANS.

6 (3) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE SHALL, UPON  
7 RECEIPT OF THE REPORT UNDER SUBSECTION (2), PREPARE A STATEMENT  
8 SETTING FORTH THE GOVERNOR'S APPROVAL OR DISAPPROVAL OF THE PRO-  
9 POSED DIVERSION AND THE REASONS FOR THE APPROVAL OR DISAPPROVAL.